



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: EPR-N

DEC 21 2008

Mark Booth  
Regional Forester  
USDA Forest Service  
Powder River Ranger District  
1415 Fort Street  
Buffalo, WY 82834

Re: Livestock Grazing on the Battle Park  
C&H and Misty Moon S&G Allotments  
FEIS/ROD, CEQ # 20080465

Dear Mr. Booth:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the Livestock Grazing on the Battle Park and Misty Moon allotments, in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4231 and Section 309 of the Clean Air Act.

The EPA appreciates the level of consideration given in responding to agency and public comments that were provided during the review of the Draft EIS. Particular attention was given to concerns surrounding the proposed prescribed burning of 4,000 acres of sagebrush and the subsequent environmental impacts. The Forest Service established that current treatment practices prevent severe soil heating, and therefore no detrimental effect to the soils would be incurred. Additionally, based on past experience, the Forest Service anticipates that the prescribed fire will burn in a mosaic pattern, mimicking natural processes. Although prescribed burning will continue to be the Forest Service's preferred treatment for 90 percent or more of the sagebrush, mechanical treatments will be evaluated as a second choice in limited areas to achieve a sagebrush mosaic. The Forest Service also addressed invasive species concerns related to fire treatments. In particular, in areas where cheatgrass is problematic and further invasion is a potential issue in burned landscapes, chemical, mechanical or no treatment methods will be used. Additionally, EPA is pleased that the Forest Service has been consulting with the Wyoming Game and Fish Department (WYGF) throughout the project, and plans to involve the WYGF in the development of future burn strategies.

EPA continues to have some remaining concerns regarding the adaptive management plan. EPA acknowledges that future conditions are not always predictable and that the Forest

Service has implemented some triggers for adaptive management strategies. However, many triggers are categorized as "discretionary" (Table 2-4, FEIS), and the monitoring frequency in general does not appear to be stringent enough to establish a proactive posture for addressing unanticipated environmental impacts. When discussing the 10-year long-term monitoring plan at benchmark sites, the Forest Service argues that "trends" do not occur annually, and therefore the monitoring frequency is adequate. Again, EPA would contend that although utilization monitoring will occur more frequently than on a 10-year interval, more defined and frequent monitoring timelines tied to the adaptive management strategies would mitigate the lack of current field data that could inhibit a timely response to factors such as drought, wildfire, etc, that tend to cause dramatic environmental changes in a relatively short amount of time. In summary, more frequent monitoring will provide additional information for informed decision-making to support sound future planning.

We appreciate the opportunity to participate in the review of this project during the NEPA process. If you have any questions regarding EPA's input, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303 312-6540. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Svoboda".

Larry Svoboda  
Director, NEPA Program  
Ecosystems Protection and Remediation